



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

HERZOG

Serial No.: 09/719,088

Int'l Appln. No.: PCT/AU99/00523

Int'l Filing Date: 29 June 1999 (29.06.99)

For: NPY-Y7 Receptor Gene

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Assistant Commissioner for Patents
Box PCT
Washington, DC 20231

Sir:

In response to the Notification of Defective Response dated October 5, 2001, it is hereby submitted that the contents of the printed sequence listing and the computer readable disk as filed on May 9, 2001 are the same and that no new matter has been added.

This statement is deemed sufficient to comply with the requirements of disclosure as set forth in 37 CFR 1.821-1.825. Entry is respectfully requested.

It is also noted on page 2 of the Notification that additional claims fees are due. Attached is a copy of the Preliminary Amendment to eliminate multiple dependent claims as filed with the application on December 8, 2000. To clarify the original Preliminary Amendment to eliminate multiple dependent claims, enclosed is a Supplemental Preliminary Amendment. Entry is respectfully requested.

Also, the Transmittal Letter to the U.S. Designated/Elected Office (DO/EO/US) Concerning A Filing Under 35 USC 371 (copy enclosed) indicates the total number of claims as 25 and an appropriate check for \$1,130.00 was attached with the application. It

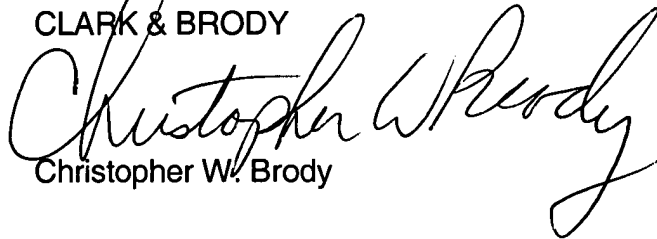
Herzog
09/719,088
PCT/AU99/00523

is respectfully requested that in accordance with the attached Preliminary Amendment, no fees for multiple dependent claims be assessed.

Please charge any fee deficiency or credit any overpayment to Deposit Account No. 50-1088.

Respectfully submitted,

CLARK & BRODY



Christopher W. Brody

1750 K Street, NW, Suite 600
Washington, DC 20006
Telephone: 202-835-1111
Facsimile: 202-835-1755
Docket No. 12020-0003
Date: November 1, 2001

01/11/2002 RCASDBE
00000079 501088 09719080
10.00 CR
270.00 CR

<small>Computer for Patent, Non-PCT, United States Patent and Trademark Office, Washington, D.C. 20231, www.uspto.gov</small>		
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/719,088	Herbert Herzog	12020-0003

INTERNATIONAL APPLICATION NO.

PCT/AU99/00523

I.A. FILING DATE	PRIORITY DATE
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06/29/1999

06/29/1998

Christopher W Brody
Clark & Brody
1750 K Street NW Suite 600
Washington, DC 20006

CONFIRMATION NO. 4580

371 FORMALITIES LETTER



OC000000006838179

Date Mailed: 10/05/2001

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason (s):

■ **APPLICANT MUST PROVIDE:**

- A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or

DOCKETED

Nov. 5, 2001

patin3help@uspto.gov

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended up to a maximum of six months.

Additionally the following defects have been observed:

- Additional claim fees of **\$288** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$288** for a Large Entity:

- Total additional claim fee(s) for this application is **\$288**
 - **\$18** for 6 total claims over 20.
 - **\$270** for multiple dependant claims surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

BARBARA A CAMPBELL

Telephone: (703) 305-3631

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/719,088	PCT/AU99/00523	12020-0003

305-3619

TRANSMITTAL LETTER TO THE UNITED STATES

2020-0003

DESIGNATED/ELECTED OFFICE (DO/EO/US)

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

CONCERNING A FILING UNDER 35 U.S.C. 371

INTERNATIONAL APPLICATION NO.

PCT/AU99/00523

INTERNATIONAL FILING DATE

29 June 1999 (29.06.99)

PRIORITY DATE CLAIMED

29 June 1998 (29.06.98)

TITLE OF INVENTION

NPY-Y7 Receptor Gene

APPLICANT(S) FOR DO/EO/US

Herbert HERZOG

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ A copy of the International Search Report (PCT/ISA/210).
8. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
9. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 13 to 20 below concern document(s) or information included:

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ Certificate of Mailing by Express Mail
20. ☒ Other items or information:

Sequence Listing Material (disk and paper copy)

U.S. APPLICATION NO. (IF KNOWN) FREE 37 CFR	INTERNATIONAL APPLICATION NO. PCT/AU99/00523	ATTORNEY'S DOCKET NUMBER 12020-0003
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21. The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :

☒ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO **\$1,000.00**

☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO **\$860.00**

☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO **\$710.00**

☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) **\$690.00**

☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) **\$100.00**

ENTER APPROPRIATE BASIC FEE AMOUNT =

Surcharge of **\$130.00** for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	25 - 20 =	5	x \$18.00	\$90.00
Independent claims	3 - 3 =	0	x \$80.00	\$0.00
Multiple Dependent Claims (check if applicable). <input type="checkbox"/>				\$0.00
TOTAL OF ABOVE CALCULATIONS =				\$1,090.00
Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable). <input type="checkbox"/>				\$0.00
SUBTOTAL =				\$1,090.00
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				\$0.00
TOTAL NATIONAL FEE =				\$1,090.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input checked="" type="checkbox"/>				\$40.00
TOTAL FEES ENCLOSED =				\$1,130.00
				Amount to be: refunded \$
				charged \$

CALCULATIONS PTO USE ONLY

☒ A check in the amount of **\$1,130.00** to cover the above fees is enclosed.

☐ Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **50-1088** A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Christopher W. Brody
Clark & Brody
1750 K Street, NW, Suite 600
Washington, DC 20006

Telephone: 202-835-1753
Facsimile: 202-835-1755

SIGNATURE

Christopher W. Brody

NAME

33,613

REGISTRATION NUMBER

December 8, 2000

DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
U.S. Designated/Elected Office (DO/EO/US)



In re Application of:

HERZOG

Int'l Application No. PCT/AU99/00523

Int'l Filing Date: 29 June 1999 (29.06.99)

For: NPY-Y7 Receptor Gene

COP of A

PRELIMINARY AMENDMENT

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

Prior to calculating the official fees in the above-captioned application, please
amend the application as follows:

IN THE CLAIMS:

Please amend claims 3, 5, 9, 10, 11, 14, 20, 21, 22, 23, 24 and 25 as follows:

In claim 3, line 1, please delete "or 2".

In claim 5, line 1, please delete "or 2".

In claim 9, line 1, please delete "or 8".

In claim 10, line 2, please change "any one of claims 1 to 9", to --claim 1--.

Claim 11. (once amended) A host cell transformed with a polynucleotide
molecule according to claim 1 [any one of claims to 9] or a plasmid or expression
vector according to claim 10.

In claim 14, line 1, please change "any one of claims 11 to 13", to --claim 11--.

In claim 20, line 2, please change "any one of claims 15 to 19", to --claim 15--.

Claim 21. (once amended) A non-human animal transformed with [a polynucleotide molecule according to claim 1 [to any one of claims 1 to 9 or] a plasmid or expression vector according to claim 10.

Claim 22 (once amended) A method for detecting agonist or antagonist agents of an NPY-Y7 receptor, comprising contacting an NPY-Y7 receptor according to claim 15 [any one of claims 15-19] or a host cell transformed according to claim 14 [any one of claims 11 to 14], with a test agent under conditions enabling the activation of said receptor, and detecting an increase or decrease in the receptor activity.--

In claim 23, line 4, please change "any one of claims 1 to 9", to --claim 1--.

In claim 24, line 4, please change "any one of claims 1 to 9", to --claim 1--.

Claim 25 (once amended) A method of producing NPY-Y7 receptors or functionally equivalent fragments thereof, the receptor characterized by the N-terminal amino acid sequence:

MX₁X₂MX₃EKWDX₄NSSE (SEQ ID NO:1)

Wherein X₁, X₂, X₃, AND X₄ are selected from codable amino acids, or a functionally equivalent fragment of said receptor, in a substantially pure form [according to any one of claims 15 to 19], comprising culturing a host cell according to claim 14 [any one of claims 11-14] under conditions enabling the expression of NPY-Y7 receptors or functionally equivalent fragments thereof, and optionally recovering the receptors or functionally equivalent fragments thereof. --

REMARKS

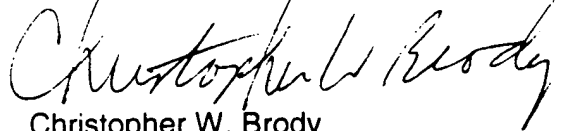
The above amendments are made to delete multiple dependency in the claims. No new matter is contained in the amendment.

Please charge any fee deficiency or credit any overpayment to Deposit

Account No. 50-1088.

Respectfully submitted,

CLARK & BRODY

A handwritten signature in cursive script, reading "Christopher W. Brody".

Christopher W. Brody
Reg. No. 33,613

1750 K Street, NW, Suite 600
Washington, DC 20006
Telephone: 202-835-1753
Facsimile: 202-835-1755
Docket No.: 12020-0002
Date: December 8, 2000